REGISTERED No. M. 1631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV] Trivandrum, Wednesday, 4th March 1959. / 13th Phalguna 1880. [No. 22.

Labour and Local Administration Department (Labour).

ORDER

No. 14497/L2/59-1/L & LAD.

Dated, Trivandrum, 4th March 1959.

Whereas, the Government are of opinion that an Industrial Dispute exists between the Corporation Commissioner, Corporation, Trivandrum and the employees of the Trivandrum Corporation represented by :

1. The Secretary, Trivandrum City Inferior Service Staff Union, Trivandrum;
2. do. The Corporation Lorry Staff Association, Trivandrum;
3. do. City Corporation Workers' Union, Trivandrum;
4. do. Local Self Government Contingency Workers' Union, Trivandrum; and
5. do. The Trivandrum Corporation Staff Union, Trivandrum

in respect of matters mentioned in the annexure to this order,

And whereas in the opinion of Government it is necessary to refer the said Industrial Dispute for adjudication,

Now therefore, in exercise of the powers conferred by Section 10 (1) (d) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said Industrial Dispute be referred for adjudication to the Industrial Tribunal, Trivandrum.

By order of the Governor,
P. I. JACOB,
Secretary to Government.

ANNEXURE

Revision of Pay Scales of the permanent and contingent employees of the Corporation.

PRINTED AND PUBLISHED BY THE S. C. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1959.

REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV] Trivandrum, Wednesday, 4th March 1959 / 13th Phalguna 1880 [No. 23

Legislature Secretariat

NOTIFICATION

No. 534/LA4/59. *Dated, Trivandrum, 4th March 1959.*

The following Bills together with the Statement of Objects and Reasons are published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

(1) The Kerala Gaming Bill, 1959.

(2) The Kerala Appropriation (No. 1) Bill, 1959.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1959.

THE KERALA GAMING BILL, 1959

A

BILL

to make better provision for the punishment of gaming and the keeping of common gaming houses in the State of Kerala.

Preamble.—Whereas it is expedient to make better provision for the punishment of gaming and keeping of common gaming houses in the State of Kerala;

Be it enacted in the Tenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Kerala Gaming Act, 1959.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "common gaming house" means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;

(b) "gaming" does not include a lottery but includes wagering or betting;

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(c) "instruments of gaming" include any article used or intended to be used as a subject or means of, or for the purpose of carrying on or facilitating or in connection with gaming, any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise, distributed or intended to be distributed in respect of any gaming.

3. **Penalty for opening, etc., any enclosure, etc., for certain forms of gaming.**—whoever—

(a) being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming—

(i) on a horse-race, or

(ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(iv) on the market price of any stock or share or on the digits of the number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance, or

(b) being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in, conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place, opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this section shall be not less than imprisonment for one month or a fine of five hundred rupees.

4. **Penalty for being found in a gaming house.**—(1) Whoever is found in any house, room, tent, enclosure, vehicle, vessel or place referred to in section 3, gaming on any of the objects specified in that section, or present for the purpose of gaming on any such object shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

(2) Any person found in any such house, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in section 3 shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

5. **Power to enter and search.**—If a Magistrate or any Police Officer not below the rank of a Sub-Inspector of Police upon credible information and after such inquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place is used as a common gaming house, he may—

(a) after recording his reasons for such belief, either himself enter, or by his warrant authorise any officer of police not below the rank of a Head Constable to enter, with such assistance as may be found necessary, by night or by day, and by force, if necessary, any such house, walled enclosure, room or place;

(b) either himself take into custody or authorise such officer to take into custody all persons whom he or such officer finds therein whether then actually gaming or reasonably suspected to have been present for purposes of gaming;

(c) seize or authorise such officer to seize all instruments of gaming, and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

(d) search or authorise such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein and also the person of those whom he or such officer so takes into custody; and

(e) seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

6. **Cards, dice, etc. found in search under Section 5 to be evidence that the place is a common gaming house.**—Any cards, dice, gaming tables, cloths, boards or other instruments of gaming found in any house, walled enclosure, room or place entered or searched under section 5, or on any person found therein, shall be evidence, until the contrary is proved, that such house, walled enclosure, room or place is used as a common gaming house and that the persons found therein were there present for the purpose of gaming although no play was actually seen by the Magistrate or Police Officer, or any of his assistants.

7. **Penalty for opening, etc., a common gaming house.**—Whoever opens, keeps or uses, or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

8. **Penalty for being found gaming in a common house.**—Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall, on conviction, be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

9. **Penalty for refusing to give name and address and for giving false name and address.**—If any person found in any common gaming house entered by any Magistrate or Officer of Police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-paymnet of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

10. **Instruments of gaming may be ordered to be destroyed on conviction.**—On conviction of any person for keeping or using any such common gaming house or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming, found therein to be destroyed, and may also order all or any of the securities for money and other articles seized not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited; or in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

11. **Proof of playing for stakes unnecessary.**—It shall not be necessary, in order to convict any person of keeping a common gaming house or of being concerned in the management of any common gaming house, to prove that any person found playing at any game was playing for money, wager, bet or stake.

12. **Magistrate may require any person apprehended to be sworn and give evidence.**—It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act to require any such persons to be examined on oath or solemn affirmation and give evidence touching any unlawful gaming in such house, walled enclosure, room or place or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or Officer authorised as aforesaid.

No such person shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate or by or before any court on any proceeding or trial in any way relating to such unlawful gaming, or from answering any question put to him touching the matter aforesaid on the ground that his evidence will tend to criminate him. Any such person so required to be examined as a witness who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be considered to have committed the offence described in section 178 or section 179, as the case may be, of the Indian Penal Code (Central Act 45 of 1860).

13. **Witnesses Indemnified.**—Any person, who shall have been concerned in gaming contrary to this Act and who shall be examined as a witness before a Magistrate on the trial of any person for breach of any of the provisions of this Act, relating to gaming and who, upon such examination shall, in the opinion of the Magistrate, make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect and shall be free from all prosecutions under this Act for anything done before that time in respect of such gaming.

14. **Act not to apply to certain games.**—Nothing in the foregoing provisions of this Act shall be held to apply to any game of mere skill wherever played.

15. **Penalty for gaming and setting birds and animals to fight in public places.**—(1) Whoever is found playing for money or other valuable thing, with cards, dice, counters or other instruments of gaming, any game not being a game of mere skill in any public street, road or thoroughfare or in any place to which the public have or are permitted to have access; or any person setting any birds or animals to fight in any public street, road or thoroughfare or in any place to which the public have or are permitted to have access or any person there present aiding or abetting such public fighting of such birds or animals shall be liable on conviction to imprisonment not exceeding one month or to fine not exceeding fifty rupees or to both.

(2) Any Police Officer, who arrests any person committing an offence under sub-section (1) may seize all the instruments of gaming found in such public place or on the person of those whom he shall so arrest and the Magistrate shall, on conviction of the offender, order such instruments to be forfeited.

16. **Offences by whom triable.**—Offences punishable under this Act shall be triable by any Magistrate of the first or second class having jurisdiction in the place where the offence is committed.

17. **Penalty for subsequent offence.**—Whoever having been convicted of any offence punishable under section 3 or section

4 of this Act shall again be guilty of any offence punishable under either of those sections shall be subject, for every such subsequent offence, to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

18. **Payment of portion of fine to informer.**—(1) The Magistrate trying the case may direct any portion not exceeding one-half of any fine which shall be levied under section 3, 4, 7 or 8 and of the moneys or proceeds of articles seized and ordered to be forfeited under section 9 to be paid to informants and police officers who may have assisted in the detection of the offender. A direction under this sub-section may also be made by any court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1) the Magistrate concerned shall send the amount to be paid under that sub-section to the District Superintendent of Police, who shall distribute it among such of the informants and Police Officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the District Superintendent of Police until the expiry of three months from the date of the direction under sub-section (1), or if an appeal is presented within that period, until the appeal has been disposed of.

19. **Police may arrest without warrant on view of offence.**—Any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

20. **Repeal.**—The Travancore Public Gambling Act, III of 1071, the Cochin Public Gambling Act, IV of 1082 and the Madras Gaming Act, 1930 (III of 1930) in its application to the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The laws in force in the different areas of the State providing for the punishment of public gambling and the keeping of common gaming houses are, the Travancore Public Gambling Act, III of 1071, the Cochin Public Gambling Act IV of 1082 and the Madras Gaming Act, 1930 (III of 1930). It is considered necessary to have a uniform legislation for the whole State. Hence this Bill.

V. R. KRISHNA IYER.

THE KERALA APPROPRIATION (No. 1) BILL, 1959

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala to the service of the financial year ending on the thirty-first day of March, 1959.

Preamble WHEREAS it is necessary to provide for the appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala to the service of the financial year ending on the thirty-first day of March, 1959

Be it enacted in the Tenth year of the Republic of India as follows :—

1. *Short Title.*—This Act may be called the Kerala Appropriation (No. 1) Act, 1959.

2. *Issue of Rs. 3,77,47,600 from and out of the Consolidated Fund of the State of Kerala for the financial year 1958-59.* From and out of the Consolidated Fund of the State of Kerala, there may be paid and applied sums not exceeding those specified in column (3) of the schedule amounting in the aggregate, to the sum of Rupees Three Crores seventy-seven lakhs forty-seven thousand and six hundred only towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1959, in respect of the services specified in Column (2) of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala by this Act, shall be appropriated for the services and purposes expressed in the schedule in relation to the financial year ending on the thirty-first day of March, 1959.

SCHEDULE
(*See* Sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of vote	*Services and Purposes*	*Voted by the Assembly*	*Charged on the Consolidated Fund*	*Total*
		Rs.	Rs.	Rs.
	A. REVENUE ACCOUNT			
I.	Agricultural Income-tax and Sales-tax	2,54,900	..	2,54,900
II.	Land Revenue	7,32,900	..	7,32,900
III.	Excise	2,83,200	..	2,83,200
IV.	Stamps	28,300	..	28,300
VI.	Registration	65,200	..	65,200
VII.	Taxes on Vehicles	1,78,400	..	1,78,400
VIII.	Irrigation—	..	41,000	41,000
	Debt charges	..	14,70,700	14,70,700
IX.	Heads of States, Ministers and Headquarters Staff	3,65,900	64,700	4,30,600
X.	State Legislature	11,500	1,200	12,700

1	2	3		
		Sums not exceeding		
No. of vote	*Services and Purposes*	*Voted by the Assembly*	*Charged on the Consolidated Fund*	*Total*
		Rs.	Rs.	Rs.
	A. REVENUE ACCOUNT—(*contd.*)			
XII.	District Administration & Miscellaneous	6,27,000	900	6,27,900
XIII.	Administration of Justice	9,22,700	60,100	9,82,800
XIV.	Jails	1,93,500	..	1,93,500
XV.	Police	9,55,800	..	9,55,800
XVII.	Education	1,48,33,300	4,500	1,48,37,800
XVIII.	Medical	10,20,000	..	10,20,000
XXIV.	Industries	200	..	200
XXV.	Labour & Miscellaneous	1,28,800	..	1,28,800
XXVI.	Civil Works	1,20,00,100	..	1,20,00,100
XXVII.	Pensions	3,77,000	..	3,77,000
XXVIII.	Stationery and Printing	12,30,900	..	12,30,900
XXIX.	Miscellaneous	4,51,000	..	4,51,000
	TOTAL OF (A)	3,46,60,600	16,43,100	3,63,03,700
	B. CAPITAL EXPENDITURE OUTSIDE THE REVENUE ACCOUNT.			
XXXIII.	Capital outlay on Irrigation (Commercial)	10,00,000	..	10,00,000
XXXIV.	Capital outlay on Irrigation (Non-Commercial)	400	..	400
XXXVII.	Capital outlay on Industrial Development	4,30,000	9,600	4,39,600
XXXVIII.	Capital outlay on Civil Works	200	..	200
XL.	Capital outlay on Transport schemes outside the Revenue Account	..	3,700	3,700
	TOTAL OF (B)	14,30,600	13,300	14,43,900
	GRAND TOTAL	3,60,91,200	16,56,400	3,77,47,600

Statement of Objects and Reasons

The Bill seeks to provide for the appropriation out of the Consolidated Fund of the State of Kerala of all moneys required to meet the Supplementary grants made by the Legislative Assembly and expenditure charged on the Consolidated Fund for the financial year 1958-59 as required by Article 205 of the Constitution of India.

C. ACHUTHA MENON.